

SENATOR MURPHY: I'm not sure what the answer was. Fine. I'll visit with you further, at another time then. Senator Chambers, I do have one other concern. It doesn't relate particularly to this. I think our county attorneys' system is in kind of a sorry state, generally. We are unwilling to pay them a living wage. So they must practice privately. They accomplish that, in most cases, by hiring an assistant, a deputy who then does most of the day to day routine work of the office, and leaves the county attorney free to engage in private practice. This looks like another method of freeing up a little more of his time to engage in private practice. I wonder if there was any discussion whatever of putting the cost of this bill on a fee basis. He, who uses it,.... I'm perfectly agreeable to the concept of a central information office. But I think I'd like to see the fella that uses it, be it city, county or whatever, also be the fella who pays for it, in as much as he is deriving his livelihood from that particular practice.

SENATOR CHAMBERS: Senator Murphy, that poses a difficulty that, in all honesty, I'm not able to resolve. I don't know how you would charge for the service, whether you.... See if two county attorneys would apply for some information, each with a case say basically the same, except that they are not basically the same, but let's say both are homicides but the facts involved are different, so the research, although both are homicides, requires different types of research or more extensive research. Should the charge be based on the number of hours of research? Should it be based on the nature of the charge? Or just how would a schedule be established? I don't have the answer. It was discussed at the committee. But it was felt that the service should not be charged for. Then everybody, regardless of how large or small the city or county, would have equal access to it. If some needed more help than others, they might wind up footing the bill. The idea is that they lack the funds to obtain an adequate legal library, or to pay for the research in some instances.

SENATOR MURPHY: Would this apply only to criminal action, or to civil action also?

SENATOR CHAMBERS: All of the letters, that I had received from people, were related to cases where people were appointed by the court, and those are criminal actions. So if a court appointed attorney, they don't get much money, was going to pay for the service, he might not receive enough money for his services to pay for it. So he'd be in the situation of representing a client without legal research.

SENATOR MURPHY: I was thinking in terms of civil action. I don't know that it bars the use of this facility for civil actions by the county. As a taxpayer, I hate to pay my defense attorney and the prosecuting county attorney too.

SENATOR CHAMBERS: But, Senator Murphy, the prosecutor would deal with criminal actions. The public defender would defend criminal actions, not civil. So I think by mentioning the titles of the individuals who would have access to the service, you limit it to the criminal area. That is my opinion.